

PERMIT SIMPLIFICATION FINDINGS  
AND RECOMMENDATIONS

JAN 1982

**CZIC COLLECTION**

Hawaii: Coastal Zone Management Program  
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INTER-AGENCY TASK FORCE  
FOR STATE PERMIT SIMPLIFICATION  
FINDINGS AND RECOMMENDATIONS

January 1982

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I. Introduction

The Inter-Agency Task Force for State Permit Simplification was established by the Governor to develop and propose recommendations for improving the regulatory efficiency of land and water development permissions as administered by the various State departments and agencies (See Attachment A). The Task Force consists of a Policy Committee comprised of the directors of State departments and commissions and a Working Committee comprised of agency staff involved in the day-to-day administration of State permits and development permission approvals (See Attachment B).

The Working Committee was charged with the development of appropriate background and documentation and with the formulation of specific permit simplification proposals for consideration by the Policy Committee. The Policy Committee, in turn, has evaluated the merits of these proposals and has adopted the recommendations in this report for implementation by the affected State agencies.

The purpose of this report, therefore, is to summarize and present the Task Force's findings and recommendations. It culminates a series of meetings and in-depth discussions among the Task Force members with respect to problems and potential solutions to identified regulatory inefficiency.

## II. Approach

Based upon the permit simplification studies conducted by the University of Hawaii Urban and Regional Planning Program through the Hawaii Coastal Zone Management (CZM) Program and the deliberations of the Task Force, the following assumptions and improvement strategies were utilized during the current effort:

### Assumptions

1. There is no consensus in Hawaii concerning which regulatory problems require immediate attention.
2. A review of other states' efforts reveals that there is no clearly superior technique for simplifying or streamlining the Hawaii permit systems.
3. A review of permit simplification efforts in Hawaii shows that we have begun to make some progress (See Attachment C).
4. Existing regulatory systems are complex and the result of numerous historical processes. Because of this complexity, the development of a workable program incorporating the three levels of governmental permits represents a major challenge towards the development of a truly coordinated approvals process.
5. Proposed changes to existing regulatory systems should progressively improve the system without compromising the fundamental purposes of regulation.
6. For the purposes of this report, "simplification" refers to the more efficient structuring of individual regulations; "coordination" means dovetailing distinct procedures into an efficient sequence; while "streamlining" refers to the removal of some superfluous or redundant regulations or procedures.

### Permit System Improvement Strategies

1. Although it is recognized that there are many different kinds of permits and approvals endemic to all levels of government, the Task Force has initially concentrated on reforming State level regulatory activities dealing with major land and water use development permissions.
2. Inasmuch as the reform of any system leads to disruption or oversimplification of the system when it is too rapid or comprehensive, Hawaii's State level permit simplification program should proceed incrementally. As a consequence and in view of the complexity of intergovernmental permit systems and interrelationships, this initial effort emphasized only the more significant permits and approvals affecting land and water development. Other permits may be considered in subsequent efforts.

3. While there is no single permit simplification or streamlining technique which addresses all of Hawaii's land and water use regulatory problems, alternative combinations of techniques and options should be discussed and proposed which will collectively address all of the identified problems.

III. Long-Term Recommendations Regarding the Use of Inter-Agency Regulatory Improvement Techniques

Before looking at the suggested regulatory reform options and recommendations regarding problems and solutions relating to individual agencies, the following inter-agency problems are presented with recommended actions:

Problem (Coordination/Simplification/Streamlining)

Agencies often waste their resources on regulating land and water use developments that have little or no environmental impact. Also, small developments often must face the same gamut of procedures and incur the same costs as large developments.

Developers are often faced with uncertainty as to which regulations apply to a particular project and whether it meets all their criteria for approval. Also associated with the developer's plight in this regard is the problem of agencies finding themselves in conflict with one another in terms of criteria or jurisdiction over a particular project.

Recommendation

The DPED should investigate and report upon the feasibility of the following:

- A. Distinguish between "major" and "minor" State-level development permissions as a basis for shortening review and approval time requirements.
- B. Formalize an inter-agency system of pre-application conceptual review to improve and refine opportunities for permit simplification for major State development permissions.
- C. Simplify, streamline, or coordinate the public hearing requirements of inter-agency development permissions.

#### IV. Short-Term Recommendations Regarding Individual Departmental Programs

The problems elicited from State permitting agency staff and their possible solutions have been developed in consideration of the above discussion. The identified problems for each agency are listed with one or more recommended actions:

##### DEPARTMENT OF TRANSPORTATION

###### Problem (Coordination)

The DOT issues a variety of development permits related to water, ground and air transportation. The lack of a coordinated review and approvals process, especially for projects requiring multiple land use approvals, contributes to the lengthy processing time, duplicative review efforts, and inadequate referrals.

###### Recommendation

Initiate a departmental master application process to include the development of a standard application form which can be used by any applicant applying for a permit requiring inter or intra-departmental referral from the DOT as well as the establishment of a central coordinating function within the Department.

##### DEPARTMENT OF LAND AND NATURAL RESOURCES

###### Problem (Coordination)

Through its several divisions, the DLNR issues a variety of land and water use development permits. Past practice has shown that the lack of a coordinated review and approvals process, especially for projects requiring multiple land use approvals, contributes to the lengthy processing time, duplicative review efforts, and inadequate referrals.

###### Recommendation

Expedite the departmental master application process currently being initiated by the DLNR. Such a process should include developing a standard application form which can be used by any applicant applying for a permit requiring inter or intra-departmental referral from the DLNR as well as the establishment of a central coordinating function within the Department.

##### GROUNDWATERS USE PERMIT

###### Problem (Coordination)

The lack of coordination with the DOH has resulted in the potential problem of DLNR approval to withdraw water without DOH approval of the water quality.



### Recommendations

- A. Coordinate referrals through the departmental master application process described previously. (See also DOH Drinking Water Permit.)
- B. Support proposed legislation to expand DLNR authority to regulate surface and ground water development and use.
- C. Should the proposed legislation fail to be enacted in the 1982 legislative session, develop a memorandum of understanding between DLNR and DOH to coordinate water-related permits and approvals.

### HISTORIC SITES REVIEW PROCESS

#### Problem (Coordination)

Repeated responses to agency requests for historic site information on the same project are redundant and time-consuming.

#### Recommendation

Automate the retrieval of historic site information and provide updated reports to permitting and review agencies.

### OFFICE OF ENVIRONMENTAL QUALITY CONTROL

#### 1) Problem (Coordination/Streamlining)

The general public cannot clearly distinguish between the respective roles of OEQC and EQC as part of the EIS process.

#### Recommendation

OEQC and EQC should seek to clarify their respective functions as a basis of streamlining the State EIS process.

#### 2) Problem (Simplification)

The EIS regulations are outdated and need to be amended in order to eliminate duplication, confusion, and paperwork.

#### Recommendation

Develop and implement a joint EIS process which would allow the use of one EIS document. At a minimum, this would necessitate the elimination of time limits from the State EIS law regarding applicant actions.

3) Problem (Simplification)

Many actions are required to have both State and County EIS acceptances which leads to difficulties regarding applicant and/or agency cooperation.

Recommendation

The EQC should seek to develop a process whereby only one EIS would have to be filed and accepted by one agency, i.e., accepted by the appropriate County agency in the case of those actions not involving State land or funding and accepted by the State regarding any actions involving State lands or funds.

4) Problem (Coordination)

The lack of explicit authority to revise an EIS by the final accepting authority regarding the preparation of EISs sometimes results in a document which is less than objective, incomplete, and/or not particularly useful for decision-making purposes.

Recommendation

Initiate legislation to allow the final accepting authority to revise EIS documents in keeping with the Federal government's practice in this regard.

5) Problem (Streamlining/Simplification)

Many negative declarations are accompanied by lengthy, superfluous or inadequate information.

Recommendation

Design and implement a process which would allow a simplified format subject to EQC review and concurrence for Negative Declarations. Failure on the part of EQC to comment upon negative declarations in terms of completeness within a stipulated time period would be considered to be an automatic concurrence.

LAND USE COMMISSION

1) Problem (Coordination)

There is a need for greater coordination and integration among the Hawaii State Plan, the Hawaii Coastal Zone Management Program, and the LUC decision-making processes.

Recommendation

Amend the LUC rules and regulations to conform with the applicable policies of the Hawaii State Plan and the Hawaii Coastal Zone Management Program.

2) Problem (Streamlining)

There is a time lag between formal LUC action on petition and the issuance of the Commission's Decision and Order, resulting in the petitioner's inability to acquire other development permissions.

Recommendation

Encourage the Attorney General to provide the LUC with adequate legal assistance in order to expedite the issuance of Decision and Orders.

DEPARTMENT OF HEALTH

Problem (Coordination)

The DOH issues a variety of development permits related to water use and quality many of which are mandated and constrained by Federal law. The lack of a coordinated review and approvals process, especially for projects requiring multiple land use approvals, contributes to the lengthy processing time, duplicative review efforts, and inadequate referrals.

Recommendation

Initiate a departmental master application process to include the development of a standard application form which can be used by any applicant applying for a permit requiring inter or intra-departmental referral from the DOH as well as the establishment of a central coordinating function within the Department.

DRINKING WATER PERMIT (POTABLE WATER SYSTEMS SOURCE USE)

Problem (Coordination)

Potential conflict exists between the water development responsibilities of DLNR and the water quality responsibilities of DOH.

Recommendation

Should the legislation proposed in DLNR Item "C" fail to be enacted in the 1982 legislative session, develop a memorandum of understanding between DLNR and DOH to coordinate water-related permits and approvals.

PRIVATE WASTEWATER TREATMENT WORKS

Problem (Simplification)

The lack of adequate criteria and policies for the location and methods of wastewater treatment results in uncertainty and potential conflicts among the DOH, the several Counties, and developers.

Recommendations

- A. Develop criteria and location policies through the Underground Injection Control (UIC) Program.
- B. In consultation with Counties, transfer regulatory authority to County planning and public works departments.

V. Recommended Phase II Implementation Activities

Based upon the above, the following work tasks are recommended regarding future Task Force efforts:

1. The Task Force will begin to address the long-term problems and solutions identified in this report and as summarized in Attachment "D".
2. The Task Force will also initiate a review of the problems, issues, and opportunities associated with the interface of State level regulatory activities with those of the Federal and County governments as shown in Attachment "E".



EXECUTIVE CHAMBERS  
HONOLULU

GEORGE R. ARIYOSHI  
GOVERNOR

June 6, 1980

MEMORANDUM

To: The Honorable Susumu Ono, Director  
Department of Land and Natural Resources

Subject: Inter-Agency Task Force for State Permit Simplification

As you are aware, this Administration has been deeply concerned over the proliferation of governmental permits and approvals required for land development in Hawaii. The costs and complexity of governmental approvals, while serving very important social values, indiscriminantly inhibit land development projects. It is important for the State of Hawaii to make an earnest effort to simplify the permitting process without compromising our environment, health, or safety.

The Department of Planning and Economic Development, through the Hawaii Coastal Zone Management Program, has over the past year, extensively studied the problems associated with the permitting process. The study focused mainly on identifying strategies for minimizing procedural impacts of State permitting processes. After a careful review of the study, I am establishing an Inter-Agency Task Force for Implementing State Permit Simplification.

The purposes of this unit will be to develop and implement procedures which will result in the simplification of the permitting process at the State level, to improve communications among State agencies over land development processes, and to serve as the focal point for coordination with other Federal and County agencies relative to permit administration concerns.

Since your department has substantial authority and interest in the land development process, I hereby appoint you to serve on the Policy Committee of this most important Task Force.

The Honorable Susumu Ono  
Page 2  
June 6, 1980

The Department of Planning and Economic Development will serve as the lead agency for this Task Force. I have designated Hideto Kono to chair this Committee. To facilitate its work, Mr. Kono will appoint, as needed, working committees comprised of agency staff.

Your participation in this Inter-Agency Task Force will help to ensure that appropriate procedures for land development controls are implemented for the benefit of the State of Hawaii.

With regard to the initial meeting of this committee, the Department of Planning and Economic Development will be contacting you shortly.



George R. Ariyoshi

Attachment B

Hawaii Coastal Zone Management Program

INTER-AGENCY TASK FORCE FOR STATE PERMIT SIMPLIFICATION

Membership of the Policy Committee

Mr. Hideto Kono, Chairperson  
Department of Planning and Economic Development

MEMBERS

Mr. Jack Suwa, Chairman  
Department of Agriculture

Mr. George A.L. Yuen, Director  
Department of Health

Mr. Susumu Ono, Chairman  
Department of Land and Natural Resources

Dr. Ryokichi Higashionna, Director  
Department of Transportation

Mr. Melvin Koizumi, Acting Director  
Office of Environmental Quality Control

Mr. William W.L. Yuen, Chairman  
Land Use Commission

Mr. Roy Takemoto, Chairman  
Environmental Quality Commission



## INTER-AGENCY TASK FORCE FOR STATE PERMIT SIMPLIFICATION

### Membership of the Working Committee

Mr. Richard Poirier, Chairperson  
Department of Planning and Economic Development

### MEMBERS

#### Department of Agriculture

Dr. Paul Schwind, Chief Planner, Planning and Development Office

#### Department of Health

Mr. Brian Choy, Planner, Staff Services Office  
Mr. Denis Lau, Supervisor, National Pollutant Discharge Elimination  
System  
Mr. Dennis Tulang, Project Management Supervisor, Pollution  
Technical Branch

#### Department of Land and Natural Resources

Mr. Roger Evans, Planner, Planning Office  
Mr. Ralston Nagata, Historical Architect, Historic Preservation  
Program  
Mr. Mike Shimabukuro, Supervising Land Agent, Division of Land  
Management  
Mr. Manabu Tagomori, Branch Chief, Water Resources and Flood  
Control Branch

#### Department of Planning and Economic Development

Mr. Abe Mitsuda, Planner, Land Use Division  
Mr. Ah Sung Leong, Branch Chief, Special Plans Branch

#### Department of Transportation

Mr. Gary Shimazu, Staff Engineer, Planning Division

#### Office of Environmental Quality Control

Ms. Helene Takemoto, Environmental Analyst, Impact Analysis Unit

#### State Land Use Commission

Mr. Gordan Furutani, Executive Officer

## ATTACHMENT C

To provide some context for the current effort, some of the major permit simplification initiatives in recent years are summarized below:

- 1976    o    The State Legislature establishes through Act 166 the Council for Housing and Construction Industry to explore the high cost of housing and recommend State and county permit coordination measures.
  
- 1977    o    The State Legislature passes Act 74 directing each county to establish a Central Coordinating Agency (CCA).
  - o    The State Senate adopts Senate Resolution No. 328 directing the counties to review and revise regulatory processes for simplification and streamlining purposes.
  - o    Several permit registers are developed by the Department of Planning and Economic Development and the Honolulu-Pacific Federal Executive Board.
  - o    The Department of Transportation's Shorewater's Construction permit has been integrated into the Department of Land and Natural Resources' Conservation District Use Application process.
  
- 1978    o    The City and County of Honolulu simplifies its Comprehensive Zoning Code and transfers many permitting responsibilities from the City Council to the Department of Land Utilization.
  - o    The DPED's Hawaii Coastal Zone Management Program initiates a comprehensive research effort on permit simplification, and conducts a Statewide workshop entitled "Red Tape vs. Green Light."
  - o    The State Legislature passes Act 221-79, transferring Special Permit approvals of less than 15 acres from the Land Use Commission to the County government.
  
- 1979    o    The Department of Land and Natural Resources initiates several measures to simplify the Conservation District Use Application (CDUA), including (1) delegation of review and approval of "permitted uses" to the Chairman, (2) joint approval of CDUA-State lands permits, and (3) consolidation of mooring permit.
  
- 1980    o    The State Senate proposes a bill calling for a master application form for State agency permits, and a resolution requesting the establishment of a task force to study and recommend permit improvements.

- o The Governor establishes the Inter-Agency Task Force for State Permit Simplification, directing the development and implementation of techniques for improving the regulatory efficiency of permits and approvals under State jurisdiction.

Attachment D

INTER-AGENCY TASK FORCE FOR STATE PERMIT SIMPLIFICATION

Summary of Recommendations with Timeframe for Implementation

<u>Reference</u>	<u>Recommendations</u>	<u>Date</u>
P. 4	1. The DPED should investigate and report on the feasibility of distinguishing between "major" and "minor" State permits as a means of shortening review and approval time.	July 1982
P. 4	2. The DPED should investigate and report on the feasibility of developing a State inter-agency system to improve and refine opportunities for permit simplification through pre-application conceptual review.	July 1982
P. 4	3. The DPED should investigate and report the feasibility of simplifying and streamlining public hearing requirements for inter-agency development permissions.	July 1982
P. 5	4. The DOT should initiate a departmental master application process and a central coordinating function within the Department.	December 1982
P. 5	5. The DLNR should initiate a departmental master application process and a central coordinating function within the Department.	December 1982
P. 6	6. The DLNR should coordinate Groundwater Use Permits through the departmental master application process described above.	December 1982
P. 6	7. The DLNR should support legislation to expand DLNR authority to regulate water development and use.	January to July 1982
P. 6	8. The DLNR should, in the event legislation fails to be enacted, develop a memorandum of understanding with DOH to coordinate water-related permits and approvals.	December 1982

<u>Reference</u>	<u>Recommendations</u>	<u>Date</u>
P. 6	9. The DLNR should automate the retrieval of historical site information and provide updated reports to State agencies.	July 1982
P. 6	10. The OEQC and EQC should clarify their respective functions as a basis for streamlining the State EIS process.	July 1982
P. 6	11. The OEQC should develop and implement a joint EIS process.	December 1982
P. 7	12. The EQC should develop a process whereby only one EIS would have to be filed (with a County Agency) where State land or funding are not involved.	December 1982
P. 7	13. Following the practice of Federal agencies, the OEQC should initiate a legislation to allow the final accepting authority for an EIS to revise the Document	July 1982
P. 7	14. The OEQC should design and implement a process to allow a simplified format for Negative Declarations.	December 1982
P. 7	15. The LUC should amend their rules and regulations to conform with the applicable policies of the State Plan and the Coastal Zone Management Program.	September 1982
P. 8	16. The Attorney General should be encouraged to provide the LUC with adequate legal assistance in order to expedite the issuance of Decision and Orders.	On-going
P. 8	17. The DOH should initiate a departmental master application process and a central coordinating function within the Department.	July 1982
P. 8	18. The DOH should, in the event legislation fails to be enacted (Item 7 above), develop a memorandum of understanding with DLNR to coordinate water-related permits and approvals.	December 1982

<u>Reference</u>	<u>Recommendations</u>	<u>Date</u>
P. 9	19. The DOH should develop criteria and location policies for wastewater treatment activities through the Underground Injection Control Program.	July 1982
P. 9	20. The DOH, in consultation with Counties, should seek to transfer regulatory authority of wastewater treatment activities to County planning and public works departments.	July 1983

Attachment E

INTER-AGENCY TASK FORCE FOR PERMIT SIMPLIFICATION

Phase II Dealing with Inter-Governmental Permit Simplification

Purpose:

To investigate the opportunities for inter-governmental permit simplification among the Federal, State, and County levels of government.

Method:

Each Working Committee member will initiate a review of problems, issues and opportunities associated with permitting activities of their agency as they interface with regulatory activities of other levels of government.

Each set of problems, issues and opportunities will be discussed by the Working Committee. Staff will interrelate the sets of agency comments in order to provide an overview from a multi-government perspective. Through the use of case studies, the Committee will track multi-government permitting processes so that inter-agency permit simplification opportunities become more evident.

Once the Working Committee has a shared perspective of problems, it may be opportune to have County agencies, as well as private industry, meet with the Working Committee to provide another perspective of permit processing problems.

The Working Committee will then interrelate the various perspectives.

Draft Recommendations

The Working Committee will submit a draft summary of identified problems, issues, and opportunities for improvement to the Policy Committee.

Review and Feedback

The Policy Committee will review draft recommendations and approve and amend as appropriate for preparation of a final document.

Implementation

The final document will be submitted to the Governor with recommendations for implementation.

